

THE LAW OFFICE OF GREGORY JAVARDIAN, LLC

By Mary F. Kennedy, Esquire

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Attorney for Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Vida B. Mallory

Debtor(s)

Chapter 13 Proceeding

18-17494 ELF

**STIPULATION BY AND BETWEEN VIDA B. MALLORY AND CITIZENS
BANK, N.A. F/K/A RBS CITIZENS, N.A.**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Debtor's Objection to Citizens Bank, N.A. f/k/a RBS Citizens, N.A.'s Amended Proof of Claim.

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. Citizens Bank, N.A. f/k/a RBS Citizens, N.A. filed a secured Proof of Claim on January 17, 2019, Claim No. 5.
2. On October 24, 2019 Citizens Bank, N.A. f/k/a RBS Citizens, N.A. filed a first Amended Proof of Claim, Claim No. 5-2. The amended Claim increased the pre-petition arrears due Citizens Bank, N.A. f/k/a RBS Citizens, N.A. to \$53,748.92.

3. On October 20, 2020 Debtor filed an Amended Plan. The Amended Plan proposes to pay Citizens Bank \$53,748.92 through the Plan. No subsequent Amended Plans have been filed.
4. On November 17, 2020 Citizens Bank, N.A. f/k/a RBS Citizens, N.A. filed a Second Amended Proof of Claim, Claim No. 5-3. The Second Amended Proof of Claim added \$4,411.21 in an escrow shortage to the pre-petition arrears claim.
5. On May 11, 2022 Debtor filed an Objection to Citizens Bank, N.A. f/k/a RBS Citizens, N.A.'s Second Amended Proof of Claim.
6. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and secured creditor, Citizens Bank, N.A. f/k/a RBS Citizens, N.A., agree to the following:
 - (a) The parties have agreed that for the purpose of settling the Debtor's Objection to Citizens Bank, N.A. f/k/a RBS Citizens, N.A.'s Second Amended Proof of Claim, without any admissions of fault or liability by the parties, Citizens Bank, N.A. f/k/a RBS Citizens, N.A. shall withdraw the Second Amended Proof of Claim, Claim No. 5-3.
 - (b) Citizens Bank, N.A. f/k/a RBS Citizens, N.A. shall withdraw the Second Amended Proof of Claim, Claim No. 5-3 in accordance with paragraphs 4(a) above within fifteen (15 days) of the Court's approval of this Stipulation.
 - (c) Should this bankruptcy be dismissed for any reason whatsoever, should Citizens Bank, N.A. f/k/a RBS Citizens, N.A. its successors and/or

assigned be granted relief from the stay, or should this case be converted to a Chapter 7 this Stipulation shall be null and void and Citizens Bank, N.A. f/k/a RBS Citizens, N.A. may seek to collect the \$4,411.21 escrow shortage from the Debtor.

(d) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:

Michael D. Sayles

Michael D. Sayles, Esquire
Attorney for Debtor, Vida B. Mallory

Date: October 14, 2022

Mary F. Kennedy

Mary F. Kennedy, Esquire
Attorney for Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

Date: 10/17/2022

/s/ LeRoy W. Etheridge

Kenneth E. West, Esquire

Attorney for Citizens Bank, N.A. f/k/a RBS Citizens, N.A.

Date: 10/19/2022

without prejudice to any of the Trustee's rights and remedies

On this ____ day of _____, 2022, approved by the Court.

United States Bankruptcy Judge
Eric L. Frank